

REMARKS

The Office Action mailed November 8, 2002 has been reviewed and carefully considered. Claim 12 is canceled. Claims 1, 13, and 15 have been amended. Claims 1-11 and 13-15 are pending in this application, with claims 1 and 15 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. §102(b) as anticipated by Sigurdsson et al., *Phototherapy of Acne Vulgaris with Visible Light* (Sigurdsson).

Claims 1 and 2 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 865,367 (Edison) in view of Sigurdsson. Claims 1, 3, 4, 6, 7, 9, and 10 stand rejected under 35 U.S.C. §103 as unpatentable over Sigurdsson in view of U.S. Patent No. 4,498,029 (Yoshizawa). Claims 1 and 5 stand rejected under 35 U.S.C. §103 as unpatentable over Sigurdsson in view of U.S. Patent No. 3,826,946 (Hammer). Claim 8 stands rejected under 35 U.S.C. §103 as unpatentable over Sigurdsson and Yoshizawa in view of Edison. Claims 1 and 11-14 stand rejected under 35 U.S.C. §103 as unpatentable over Sigurdsson in view of U.S. Patent No. 6,087,783 (Eastlund).

Claim 15 stands rejected under 35 U.S.C. §103 as unpatentable over Sigurdsson in view of U.S. Patent No. 6,063,108 (Salansky).

Independent claim 15 includes the step of treating T cell mediated skin disorders using visible light. It is respectfully submitted that neither Sigurdsson nor Salansky teach or suggest the treatment of T cell mediated skin disorders with visible. As stated in the Office Action, Sigurdsson discloses only the phototherapy of acne vulgaris with visible light and therefore fails to disclose treating T cell mediated skin disorders. Salansky discloses that light

was used to treat lupus vulgaris in the 19th century (see col. 1, lines 14-18). It is respectfully submitted that lupus vulgaris is a form of tuberculosis of the skin and is not the equivalent of lupus erythema (as claimed) which is a chronic inflammatory disorder resulting from an abnormality of the immune system. Since Salansky discloses only the treatment of Lupus vulgaris, Salansky fails to teach or suggest the treatment of T cell mediated skin disorders with visible light. In view of the above remarks, it is respectfully submitted that independent claim 15 is allowable over Sigurdsson in view of Salansky.

Independent claim 1 has been amended to recite that the optical radiation source is operatively arranged for generating an irradiance in a first wavelength range including 400nm to 440nm of greater than 60 mW/cm². Support for this limitation is on page 8, line 5 of the specification. Treating T cell mediated skin disorders requires that the radiation penetrate a very great depth (see page 13, second paragraph of the specification). Furthermore, independent claim 1 is amended to recite a cooling device for cooling a surface of the area to be irradiated. This limitation is similar to original dependent claim 12. Support is found in the specification on page 13, starting at line 15. The prior art device disclosed by Sigurdsson is not arranged for generating an irradiance of greater than 60 mW/cm² because it was not known to treat T cell mediated skin disorders using visible violet/blue light. Accordingly, the prior art disclosed no motivation to provide an irradiance of greater than 60 mW/cm² in a lamp used for therapeutic applications because the diseases treated by visible light by the prior art did not require penetrations to the depths required for T cell mediated skin disorders. Sigurdsson also fails to disclose a cooling device.

Eastlund discloses a flashlamp which may include a water jacket 312 (Fig. 3) used to cool the lamp or provide special filtration (col. 5, lines 16-21). However Eastlund fails

to disclose an irradiation device for therapeutic applications. Eastlund discloses that flashlamps which are the subject of the disclosure of Eastlund are used in photocopying, curing of UV coatings, laser application, photo typesetting, visual beacons, and for destruction of biological organisms (for preservation of foodstuffs). Furthermore, the cooling jacket disclosed by Eastlund is arranged for cooling the flashlamp itself. There is no teaching or suggestion for a cooling unit to cool the surface of the area to be irradiated, as now recited in independent claim 1.

1. None of the other cited references disclose a cooling unit.

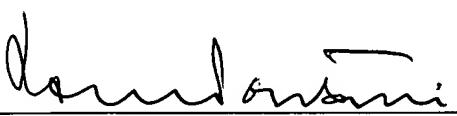
In view of the above amendments and remarks, it is respectfully submitted that independent claim 1 is allowable over Sigurdsson in view of Eastlund.

Dependent claims 2-11 and 13-14, being dependent on independent claim 1, are allowable for at least the same reasons as independent claim 1.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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